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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/086,410	11/20/2001	Paul D. Rietze	42390P11636	7458

8791 7590 04/11/2003

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EXAMINER

BUI, HUNG S

ART UNIT

PAPER NUMBER

2841

DATE MAILED: 04/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/086,410	Applicant(s) RIETZE ET AL.	
	Examiner Hung S Bui	Art Unit 2841	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) 1-15 and 26-30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 16-25 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of the restriction in Paper No. 5 is acknowledged. The traversal is on the ground(s) that no serious burden is placed on the examiner to search the distinct claimed inventions. This is not found persuasive because the search required for group I is not required for group II.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 16-18, 20-22 and 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cronk et al. [US 6,532,538] in view of Mason et al. [US 5,835,735].

Regarding claims 16, 18, 21-22 and 25, Cronk et al. disclose a method to provision a plurality of servers comprising:

- receiving a request to load an operating system from each of a plurality of individual CPUs (column 2, lines 5-7);
- determining an identifier associated with each of the CPUs (column 2, lines 10-14);
- searching for OS identifier associated with each CPU (column 5, lines 15-29);

- retrieving an OS from a storage system using the OS identifier (column 5, lines 1-20); and
- loading each CPU with its retrieved OS (column 5, lines 10-45).

Cronk et al. disclose the instant claimed invention except for the CPUs being server blades.

Mason et al. disclose a plurality of server blades (figure 1) operating with different operating systems.

It would have been obvious to a person having ordinary skill in the art at the time invention was made to use the server blade design of Mason et al. for the CPUs of Cronk et al., for the purpose of enabling multiple users to use the same operating system.

Regarding claims 17 and 24, Cronk et al. disclose a connection between the CPUs and storage system wherein the request is received over the connection.

Regarding claim 20, Cronk et al. discloses the use of an operating system identifier list (column 2, lines 5-17).

4. Claims 19 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cronk et al. in view of Mason et al., as applied to claim 16 and 21 above, and further in view of Memmont [US 6,536,669].

Regarding claims 19 and 23, Cronk et al. in view of Mason et al. disclose the instant claimed invention except for the identifier being a dynamic host configuration protocol address.

Mémott discloses an interface between operating components of a network using a dynamic host configuration protocol address.

It would have been obvious to a person having ordinary skill in the art at the time invention was made to use a dynamic host configuration protocol address between the drives of Cronk et al. in view of Mason et al. for the purpose of accommodating differing system configurations.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung S Bui whose telephone number is (703) 305-8024. The examiner can normally be reached on Monday-Friday 8:30AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David S. Martin can be reached on (703) 308-3121. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-0956.



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HB

4/5/03